

REMARKS

Applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated November 19, 2002 from February 19, 2003 to March 19, 2003. Submitted herewith is a check in the amount of \$55.00 to cover the cost of the extension.

Claims 1-20 stand rejected. Claims 1-16 have been rejected. Upon entry of the present amendment, claims 17-20 will be in the application. Re-examination and reconsideration are respectfully requested.

On page 2, paragraph 1, of the Office Action, under the heading "Detailed Action, Claim Objections - 35 USC § 103", Specification it was stated as follows:

"Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over Steffen (4,037,527) in view of Joy (3,785,271). Steffen teaches, substantially, each feature of the claimed invention as shown in the attached red marked up copy of Steffen's Figure 3. Steffen, however, does not teach an opening in the wall. Joy teaches an opening in the wall as shown in the attached red marked up copy of Joy's Figure 4. It would have been obvious to one of ordinary skill in the art at the time of invention to have made an opening in Steffen's wall in order to pass, for example, electrical wires for supplying a socket with electricity for use in Steffen's bin (10) as taught by Joy. Regarding claim 4, it is well known to provide slots in place of holes for flexibility of fastening of flanges."

Claims 1-16 have been cancelled and rejection of these claims is now

moot. Claim 17 has been amended and is now believed allowable over all prior art. Amended claim 17 is directed to:

"A flange for temporarily connecting an exhaust fan for exhausting gases and circulating fresh air to a manway to a tank while workers are temporarily working in said tank which enables the extension of worker's lines from the exterior of said manway through said manway having said exhaust fan attached thereto, said flange comprising:

a. a top plate for connecting said flange to said exhaust fan...”,

whereas Steffen (4,037,527) teaches a fan 25 connected to a mounting structure 21 having no opening in the wall thereof for receipt of lines which are normally connected to a grain bin, and, furthermore, are only removed for "...easy access to the fan and motor 25 and 26 for repairs if needed." (See column 3, lines 24-27 of Steffen). The purpose of the mounting structure 21 of Steffen is to "allow for the ease with which a fan or other structure needed to be connected to a grain bin opening can be connected or disconnected..." (see column 2, lines 47-49 of Steffen), whereas the purpose of the present invention is to enable worker's lines to enter a manway having a fan temporarily connected thereto. The exhaust fan of the present invention is only temporarily connected to a manway of a tank while workers are performing work in the tank, and normally the manway. As is well known in the art, when work in the tank is complete is complete, the exhaust fan is removed and the opening or manway holding the invention is closed to enable the tank or other enclosed area to be truly enclosed and utilized for its intended purpose, such as holding fluids.

Thus, Steffen teaches a flange and exhaust fan which are normally connected to a *fan opening in a grain bin, not a manway in the grain bin, whereas the present*

invention is only connected to a tank when workmen are in the tank and the tank is not being utilized for its intended purpose. Furthermore, one of ordinary skill in the art trying to extend worker's lines *temporarily* into a tank manway having an exhaust fan therein *temporarily* while workmen are working in the tank would not be reasonably led to consider a grain bin having a normally attached fan necessary for the grain drying bin to perform its intended function of drying grain having no means for enabling workers' lines to enter the bin through the opening in the grain bin to which the fan is attached. Hindsight only would lead one to utilize the teaching of Steffen as one of two combined references to create the present invention.

Joy teaches a low profile ventilator apparatus for use in mobile homes, modular homes and the like which includes a structural combination of lighting means or a radiant heat lamp cooperatively associated with a bathroom fan such as to permit straight through or vertical discharge of air and being uniquely constructed to fit ceiling to roof depths ranging from approximately 4 to 13 inches. (See Abstract of Joy.) Thus, Joy teaches an apparatus which is vastly different from the subject matter of the present invention. The apparatus taught in Joy is not attached to a tank manway or a grain bin fan opening; the apparatus of Joy is attached permanently to the roof of a bathroom of a mobile or modular home.

The opening indicated in red in the copy of Figure 4 and 5 of Joy attached to the office action is not for enabling a worker's line to be inserted through a manway having a fan attached thereto as presently claimed; the opening is for permanent receipt of a pre-wired conduit box 22d including in the base housing 22, see column 5, lines 1-2 of Joy. As further stated in Joy, column 5, lines 3-8:

"The conduit box 22d includes two plug sockets a shown and designated 22e and 22f. The plug sockets 22e and 22f are

adapted to receive the male plugs (not shown) attached at the ends of the wire means 33a and 35a to thus supply an electricity source to the light socket 33 and the motor 35 respectively."

Thus the opening in Joy is permanently closed by the connection of conduit box 22 thereto, and the opening could not be used for the receipt of workers' lines extending into a manway. The electrical connections permanently connected to conduit box 22 extend only to light socket 33 and fan motor 35. The lines of the present invention do not extend to the fan connected to the manway of the tank; rather, the lines of the present invention extend through the opening to the workers' equipment inside the tank. Joy actually teaches away from the presently claimed invention.

It is thus believed that it is not obvious to combine Steffen with Joy. As stated in *In re Sernaker*, 217 USPQ 1, 6 (CAFC 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

It is submitted that there is nothing in Joy or Steffen to suggest the advantage from combining their teachings. It is therefore believed, for the reasons stated above, that claims 17-20 as amended are patentable over all prior art.

On page 2, paragraph 2, of the Office Action, under the heading "Prior Pertinent Art" it was stated as follows:

"The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '490 to Kallestand et al.; '403 to Hanson; and '445 to Steffen. The above

references each teach ventilation systems having flange mounted ventilation fan structures."

The above cited references have been carefully reviewed but are not believed to render the invention unpatentable.

In accordance with the foregoing remarks and amendments it is believed that all claims are in condition for allowance, and accordingly an early notice of allowance is respectfully requested.

RESPECTFULLY SUBMITTED:



DAVID L. RAY  
Attorney at Law  
2051 Silverside Drive  
Suite 205  
Baton Rouge, LA 70808  
Telephone: 225/766-2626  
FAX NO: 225/766-8862  
REG. NO.: 25,367  
Date: March 19, 2003